

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 849/87* *of no 4933/81* OF .....

NAME OF THE PARTIES *Mohd. Faris* Applicant

Versus

*Govt. of U.P.* Respondent

Part A.

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10		
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15		
16		
17		
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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

*Checked* Dated *12.10.11*

Counter Signed.....

*Signature of the Dealing Assistant*

Signature of the Dealing Assistant

Section Officer/In charge

Annexure - A  
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\*\*

INDEX - SHEET

TA 249/87 (1)

CAUSE TITLE Mohd. Rais OF 198

Name of the Parties Union of India

Versus

Part A, B and C

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

4933

of 1981

vs.

Ai. 8/1

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	Admitted.	
	Order No. 7510/81	
	Service report.	
	Shri L. R. Acharya has accepted notice in behalf of all the opposite parties to proceed in O.C.	
	SP	
	2-11-81	
	S.O. (cont.)	
	20-1-01	Power wanted
	6-11-81	1-11-81
	from Com.	2-11-81
	887510/81	of / A
		8-2
20/1/82	fixed in C.M.A. No. 8875-10/81 in the U.S.V.J. One week's time is allowed to the opposite parties to file a counter-affidavit. If the counter-affidavit is filed the petitioner may file a rejoinder-affidavit within three days thereof.	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	dist thereafter,		
	<del>MS</del> <sup>Ks</sup> 20/02		
	8.2.82	cl h	
8/2/82	<p>CM An. 8875-81 for a  <del>Ho. 16 S-V-J</del>  A week's further time  is allowed to the opposite  parties to file a counter-  affidavit.</p>		
	<del>MS</del> <sup>Ks</sup> 8.2.1982		
24/2/82	<p>24. 2.82 CM An No. cl h  8875-81 for order  <u>Honble K S Varma J.</u>  <del>MS</del>  <del>MS</del>  m</p>		
2/3/82	<p>CM An No 8875-81 for order  <u>Honble K S Varma J.</u>  Sri. R. Acharya prays for and  is allowed to days and no more  time to file counter affidavit. Sri. this</p>		

A-1  
2 ✓  
4/2 ✓

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

vs. \_\_\_\_\_

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
25/3/82	<p>25 19. 3. 82 fixed in CM / M @ M.A. No. 8875-81 Houblu U.C.S.</p> <p>Adjud. Boe Jh</p> <p>25-3-82</p>	<p>1/11 A/B</p>
31/3/82	<p>fixed in CM No. 8875-81 Houblu U.C.S.</p> <p>S.L.R. Acharya may file and is allowed three days time to obtain all the bills from Railway. Should come my even file documents to show the period during which the petitioner sent notices and then or notice under para 14g of Section Railway Manual was read or served upon the petitioner. It is noted that</p> <p>31-3-82 2</p>	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
7-4-82	<p>Case no 80775-M.W ords.</p> <p>de ves</p> <p>On 31st March 82 Sri L. R. Acharya took three days time to obtain in- structions.</p> <p>C.M. No 1130700 85 for substitution</p>		Ble
309-85	<p>(Cm R.N. Mirza)</p> <p>not with previous papers, if possible next week.</p> <p>Sd. R.N. Mirza 309-85</p>		
9/10/85	<p>9.10.85 for</p> <p>On 1130710AR</p> <p>de ves</p>	<p>of 14 (5)</p> <p>Ext case Original applicat is missing.</p>	<p>9/10/85</p>

**ORDER SHEET**

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

vs. \_\_\_\_\_

A-1  
13

4/3

4

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	<p style="text-align: center;">Honble <sup>2</sup> K. S. Varma</p> <p>In this case an application for substitution has been moved in regard to a person who died more than 90 days ago. In order to bring the heirs of the deceased an application has to be moved for setting aside the abatement stating the grounds because of which the application for substitution could not be moved earlier. No such application has been filed along with the substitution application. List when the application is filed.</p>	3
	<p style="text-align: right;">9/10/1985</p>	

Serial number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

20-11-90

No Selting Adj. to 21.2.90

(X)

This case has been received on transfer. Notice were issued to the counsels by the Office at Allahabad... None is present for the parties. Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M.

h  
20/11/90

or  
notice issued  
S  
23/11/90

or  
Case has been  
heard on 20/11/90  
Case is admitted  
CA/RA for next  
filed.

Notices were  
issued on 25/11/90  
No answer  
replied. Case has been  
return back.

S, for order  
h  
25/11/90

Group (a) (14) (i)

AL  
1

249/81  
4933-81

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

A/O

4933

Writ Petition No. of 1981.

Mohd. Rais . . . . . Petitioner.

Versus

Union of India and others .. Respondents.

....

I N D E X

<u>Sr. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Claim Petition.	1 to 10
2.	Annexure No. 1.	11
3.	Affidavit.	12-13
4.	Interim Relief.	14-15
5.	Vakalatnama.	16

A. Kaur  
Adv.

LUCKNOW:

COUNSEL FOR THE PETITIONER.

DATED: 27.9.81



IN THE HON'BLE HIGH COURT OF JUDICATURE ALLAHABAD.



LUCKNOW BENCH LUCKNOW

Writ Petition No.

of 1981.

*Def-2102*  
*30.9.81*

*4933*

*A2*

*5/1*



Mohd. Rais, aged about 31 years son of Sri Abdul

Rahman care of Gohar Hussain Alco Engineering Talkatora Lucknow.

..... Petitioner.

Versus

1. Union of India through the General Managers Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Carriage and Wagon Superintendent Northern Railway, Sick Live Charbagh, Lucknow.

..... Respondents.

.....

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

To

The Hon'ble Chief Justice and his companion Judges;

The humble petition of the above named petitioner

.....2.

*Mohd. Rais.*



**MEMO.**

~~Impressed~~  
Five Adhesive ~~Rs 100~~ —  
Total

Correct but final Court-fee report  
will be made on receipt of lower  
Court records

In time up to

Papers filed. Copy of P. O.  
should also be filed.

My - Bench.

Last unpaid costs

Annexure 1 = 20987

Received copy  
S. S. S. S.  
28/9/51

A2  
3  
✓  
A/B

respectfully showeth as under:-

1. That the petitioner entered in the service of the Respondent No.1. as Casual labour on the post of Khalasi under the respondent No.3. in June 1974.

2. That the petitioner acquired the status of temporary Railway servant as Khalasi after working for 120 days as Casual labour in terms of para 2501 of the Indian Railway Manual read with Railway Boards letter No. PC/72/RMF-54/3(1) dated 12.7.1973 with effect from 12.12.74. The petitioner was sanctioned regular pay scale of Khalasi.

3. That since 12.12.74 the petitioner is continuously working as temporary khalasi under the respondent No.3.

4. That the petitioner was also enjoying prevalence of P.T.O. and Pass etc. and other facilities available to Railway servants.

5. That the work and conduct of the petitioner have all along been found satisfactory and he gave no cause of

...3.

Mohd. Rais

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(8)

Hon. D. N. The J.  
Hon. S. Z. H., J.

Admich. Issue  
notice.

*[Signature]*  
30/9/81  
*[Signature]*

21/2/82 Hon Justice Kiloth, v.  
Hon. K. Obayya, AM.  
Case called. No one is present for the  
applicant. Notices were issued to the  
applicant by name as well as to  
his counsel by registered post. They  
are presumed served as they have  
not been received back.

Sini Azim Bhanpava appearing  
on behalf of the opposite parties has  
filed an application stating that  
the applicant died on 2/3/85.  
The relief claimed is against  
discharge from service on  
20/9/01. In the circumstances,  
the case is disposed of as  
abated.

*[Signature]*  
AM.

*[Signature]*  
V.C.

*[Signature]*  
J. Bant

A-2  
4/3  
A/C

complaint to his superiors.

6. That the token no. of the petitioner is 1064 and he was also issued an Identity card and Card for medical facility.

✓ 7. That on 21.9.81 the petitioner was restrained from performing his duties by respondent No.3. although no written order was duly communicated to the petitioner. It is learnt by the petitioner that the respondent No. 3 vide his order dated 20.9.81 discharged five employees including the petitioner. A copy of the said order dated 20.9.81 is being annexed herewith as Annexure No.1. to this petition.

8. That the petitioner was illegally removed from his post and is being restrained by the Respondent No.3.

9. That the respondent No.2. is the appointing authority of the petitioner and the respondent No.3. has no power or authority to discharge the petitioner.

10. That a number of Khalasis junior to the petitioner who joined the service after the petitioner are still

Mohd. Rais

192/5  
X/c

working under the respondent no.3. Names of few of them with date of appointment is given below:-

<u>Sl. No.</u>	<u>Name</u>	<u>Date of Joining.</u>
1.	Sri Daya Ram S/o Khashi Prasad	16.8.75
2.	Sri Nand Lall S/o Sarjoc Prasad.	14.7.75
3.	Sri Ashok Kumar s/o Sheo Shanker.	20.7.75
4.	Sri Ram Chandra S/o Badloo.	6.1.76
5.	Sri Babu Lal S/o Kalloo.	28.7.76
6.	Sri Narendra Kumar Tewari. T. No.791.	25.1.76.

11. That it is learnt that the respondent No.3 wants to appoint some persons of his own choice and there fore the petitioner is being removed in an arbitrary and illegal manner.

12. That the petitioner is being removed from his post without concluding any proper enquiry and without giving him any opportunity of being heard.

13. That discharge of the petitioner in substance is the removal of the petitioner.

14. That the order of discharge contained in Annexure No.1 is penal in nature and entails evil consequences

...5.

Mohd. Rais

27.9

Effect

A2  
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A

to the petitioner.

15. That no enquiry as provided in chapter XVII of the Indian Railway establishment code Vol. I. nor under the Discipline and appeal rules 1968 have been done. The petitioner was <sup>not</sup> given any charge sheet or show cause notice prior to his discharge.

16. That there is no <sup>Scheme</sup> ~~section~~ of retrenchment in the establishment and provisions of Rule 151 of the Railway Establishment Code Vol. I do not apply. Even if there is any <sup>Scheme</sup> ~~section~~ of retrenchment the principle of last come first go should be applied but in the present case a number of juniors to the petitioner. as Khalasi have been retained.

17. That the respondent no.2 is empowered and competent to abolish the posts of Khalasis and he may discharge if necessary according to provisions of para 151 of the Railway Establishment Code Vol. I.

18. That no notice according to para 149 of the Railway establishment Code Vol. I has been given to the petitioner nor he was paid one month's advance pay ~~in lieu~~

Mohd. Rais

A2  
7  
12

of one month notice.

19. That the petitioner was not engaged on contract for any specific period nor he is insufficient or failed to conform to the requisite standard of physical fitness.

20. That the removal of the petitioner is arbitrary, malafide, illegal and against the provisions of Article 311 of the Constitution of India as well as <sup>well</sup> established cannons of natural justice.

21. That the discharge/ removal of the petitioner is also against and violative of mandatory provisions of Article 14 and 16 of Constitution of India and is discriminatory.

22. That the petitioner has no alternate or efficacious remedy but to invoke the jurisdiction of this Hon'ble Court on the following amongst other

GROUND S

A. BECAUSE the respondent no.2 is the appointing authority of the petitioner and the respondent No.3. has no power or authority to discharge the

...?

Mohd. Rais

A2  
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petitioner.

- B. BECAUSE the petitioner is being removed from his post without concluding any proper enquiry and without giving him any opportunity of being heard.
- C. BECAUSE the discharge of the petitioner in substance <sup>is effect</sup> is the removal of the petitioner.
- D. BECAUSE the order of discharge contained in Annexure No. 1 is penal in nature and entails evil consequences to the petitioner.
- E. BECAUSE no enquiry as provided in Chapter XVII of the Indian Railway establishment Code Vol. I nor under the Discipline and Appeal Rules 1968 have been done. The petitioner was <sup>not</sup> given any chargesheet or show cause notice prior to his discharge.
- F. BECAUSE there is <sup>Scheme</sup> no action of retrenchment in the establishment and provisions of Rule 151 of the Railway Establishment Code Vol. I do not apply. Even if there is any <sup>Scheme</sup> section of retrenchment the principle of last come first go be

Mohd Rais

A2  
9

should be applied but in the present case a number of juniors to the petitioner as Khalasi have been retained.

G. BECAUSE the respondent No.2. is empowered and competent to abolish the posts of Khalasis and he may discharge if necessary according to provisions of para 151 of the Railway Establishment Code Vol. I.

H. BECAUSE no notice <sup>according</sup> to para 149 of the Railway establishment Code Vol. I has been given to the petitioner nor he was paid one months' advance pay in lieu of one month notice.

I. BECAUSE the petitioner was not engaged on contract for any specific period nor he is inefficient or failed to conform to the requisite standard of physical fitness.

J. BECAUSE the removal of the petitioner is arbitrary, mala fide, illegal and against the provisions of Article 311 of the Constitution of India as well

Mohd Rais

A/15

A2  
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1  
9

*well*  
as established canons of natural justice.

K. BECAUSE the discharge/ removal of the petitioner is also against and violative of mandatory provisions of Article 14 and 16 of Constitution of India and is discriminatory.

23. That the order of discharge is wholly illegal and has not been given effect to nor it was duly communicated to the petitioner.

24. That in case the operations of order of the respondent No.1. is not stayed the petitioner will suffer an irreparable loss and his family will be starved.

P R A Y E R

The petitioner most respectfully prays:-

- (1) to issue a writ order or direction in the nature of certiorari quashing the impugned order of discharge issued by respondent No.3. on 20.9.81 contained in Annexure No.1. to the petition.

Mohd Rouis

AR  
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- (2) to issue a writ, order or direction in the nature of mandamus directing the respondents to treat the petitioner still in their continuous employment as Khalasis and to pay his salary continuously by not giving effect to the impugned order of discharge.
- (3) to award cost of these proceedings to the petitioner against the respondents.
- (4) to issue any other order or direction as this Hon'ble Court deems fit in the circumstances.

Lucknow :

*A. Kaur*  
*Adv.*  
*Mohd. Rais*  
COUNSEL FOR THE PETITIONER.

Dated: 27.9.81

A-3  
A

IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow. A  
17

Writ Petition No. of 1981.

Mohd. Rais. . . . . Petitioner.

Versus

Union of India and others... Respondents.

...

ANNEXURE NO.1.

Most Important

E/212

20.9.81

The under noted substitute have been discharged  
on and from 21.9.81 A.N. under no account. They are  
to be allowed duty without proper authority duly  
signed by the under-signed. All please Note.

1. Mohd. Rais Kh. T.N. 1069.
2. Mohd Yaqub Kh. T.N. 1092.
3. P.K.Bose Porter T.N. 934.
4. Jamel Ahmad S/W T.N. 892.
5. Mohd. Aslam Kh T.N. 1040.

Sd/- A.K. Mukerji

C.W. S 1 Lko.

Dt; 20.9.81.

*Mohd Rais*



A-3  
2  
1  
12

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow.

A  
18

Writ Petition No. of 1981.

Mohd. Rais . . . . . Petitioner.

Versus

Union of India and others . . . Respondents.

.....

AFFIDAVIT

I, Mohd. Rais aged about 31 years son of Sri Abdul Rahman Care of Gohar Husain, Alco Engineering Takakatoria Lucknow do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted writ petition and has understood the contents of accompanying writ petition which were read over and explained to him.
2. That the contents of paras 1 to 8, 10, 11 and 23 24 of the Writ petition are true to his personal knowledge and those of paras 9,12, to 21 and 22 are believed to be true on the basis of legal advice.

Mohd. Rais



A3  
3  
13

3. That the copy of the Annexure No.1. is true copy of its original which has been compared by the deponent.

LUCKNOW:

Mohd. Rais  
DEPONENT.

Dated: 25.9.1981.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to his personal knowledge . Nothing material fact has been concealed and no part of it is false. So help me God.

LUCKNOW:

Mohd Rais  
DEPONENT.

Dated: 25.9.1981.

I, identify the deponent who has signed before me.

(Km. Amarjit Kaur)  
Advocate.

Solemnly affirmed before me on 25.9.81 at 15 AM/PM by the deponent Sri Mohd. Rais who has been identified by Km.Amarjit Kaur Advocate High Court Lucknow Bench Lucknow I have satisfied myself by examining the deponent that he understands the contents of this affidavit which were read over and explained to him by me.



A.C. Seal

WASTAVA  
Oath Commissioner  
High Court, Allahabad  
Lucknow Branch  
No. 77/318/81  
Date 27.9.81



AS  
1

6  
1

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.  
Civil Misc. Application No. 12,496(u) of 1985.

In Re:  
Writ Petition No. 4933 of 1981.



Mohd. Rais

*K. J. Singh*  
31/10

Petitioner.

Vs.

Union of India and others ..

Opp. Parties.

Application under section 5 of the  
Indian Limitation Act.

The applicant begs to submit as under :-

1. That for the facts, reasons and circumstances mentioned in the accompanying affidavit it is expedient in the interest of justice, it is most respectfully prayed that the delay of making applications for amendment and substitution and for setting aside abatement order be condoned.

It is most respectfully prayed that the delay of making application for amendment and substitution and for setting aside abatement of the Writ Petition be condoned.

Dated: - 31/10 Oct., 1985.

*A. Kaur*  
( Km. Amarjit Kaur )  
Advocate

Counsel for the applicant.

DU ✓  
6/2 ✓

In the Hon'ble High Court of judicature at Allahabad,  
Lucknow Bench, Lucknow.

Civil Misc. Application No. of 1985.

In Re:

Writ Petition No. 4933 of 1981. A  
22

Mohd. Rais .. Petitioner.

Vs.

Union of India and others .. Opp. Parties.

affidavit in support of application  
under section 5 of the Indian Limitation Act.

I, Smt. Shahjahan aged about 65 years, widow of late Sri Abdul Rahman, resident of 180/9 Takia Azam Beg, near Barood Khana, Lucknow do hereby solemnly affirm and state on oath as under :-

1- That the petitioner has challenged his order of termination of his services dated 20.9.1981 in the above noted Writ Petition and this Hon'ble Court was pleased to suspend the operation of the termination order on 7.4.1982.

2- That the petitioner was allowed to join his duties on 10.5.1983 and he was not paid his salary from 21.9.1981 to 9.5.1983.

3- That the petitioner died on 2.3.1985, leaving behind his mother Smt. Shahjahan w/o Abdul Rahman as his legal heir.

4- That the deponent is an old illerate lady and

AS/3  
6/3

is unable to do proper pairvee of the case. She was not very well known regarding pendency of the said Writ petition. and in September 1985. She came to know about the pendency of the above noted Writ Petition.

A/2

5- That the deponent on 27.9.1985 moved an application for substitution and amendment which is pending for disposal.

6- That the deponent thereafter gone to her village and on 30.10.85 she came Lucknow and contacted her counsel who told that one application for setting aside abatement of the Writ Petition and another application for under section 5 of the Limitation Act has to be moved.

7- That the delay on the part of the deponent is neither deliberate nor mala fide and is liable to be condoned.

Uly & Co  
Deponent.

Dated:- 31 Oct., 1985.  
Lucknow.

Verification

I, the above named deponent do hereby verify that the contents of para 1 to 6 of this affidavit are true to my knowledge and those of paras 7 are believed to be true on the basis of legal advice. No Part of it is false and nothing material has been conceded. So help me God.

Uly & Co

Signed and verified today this 31<sup>st</sup> Oct., 1985 at Lucknow.  
Dated:- Oct. 31, 1985. Deponent. Uly & Co  
Lucknow.

I identify the deponent who has signed before me.

A. Kaur  
(Km. Amarjit Kaur) Advocate

Serij Panchajanya  
Ar. 10

Solemnly affirmed before me on 31 Oct., 1985. at 10.30 a.m./p.m. by the deponent Smt. Shahjahan, the deponent who has been identified by Km. Amarjit Kaur Advocate High Court, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that she understands the contents of this affidavit which has been read over and explained by him to me.

JAF  
Hijo  
Lucknow Bench  
No. 34/1051  
Date 31.10.85



Handwritten notes: *30/8/81* and *3/1*

IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow.

C.M. Application No. *8875(6)* of 1981

Writ Petition No. *4933* IN RE of 1981.

Mohd. Rais . . . . . Petitioner,

*A/24*

Versus

Union of India and others . . . Respondents.

....

Application for Interim Relief

The above named applicants most respectfully beg to state as under:-

That for the detailed facts and the reasons stated in the accompanying Writ Petition and Affidavit it is most respectfully prayed that this Hon'ble Court may be pleased to stay the operation of order of discharge (Annexure No.1 to the petition) and direct the Opposite parties not to interfere with the discharging of the duties by the petitioner on his post and he may be paid his salary regularly or any other order or direction which this Hon'ble court may deem fit and proper be also passed.

*A. Kaur*  
*AK*

Counsel for the petitioner.

Lucknow:

Dated: *27.9.81*

*30/9*

Hon. Mr. J. S.

Hon. S. I. Hasan, J.

In re notice

returnable at an early  
date.

At this stage no  
Case for stay is made  
out. List the applications  
again for orders after  
service of notice on the  
opp. parties.



30.9.1981

WS

IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow.

C.M. Application No. of 1981 <sup>A/25</sup>

Writ Petition No. IN RE of 1981.  
Mohd. Rais . . . . . Petitioner,

Versus

Union of India and others . . . Respondents.

....

Application for Interim Relief

The above named applicants most respectfully  
beg to state as under:-

That for the detailed facts and the reasons  
stated in the accompanying Writ Petition and Affidavit it  
is most respectfully prayed that this Hon'ble Court may  
be pleased to stay the operation of order of discharge  
(Annexure No.1 to the petition) and direct the Opposite  
parties not to interfere with the discharging of the  
duties by the petitioner on his post and he may be paid  
his salary regularly or any other order or direction  
which this Hon'ble court may deem fit and proper be also  
passed.

Lucknow:

Counsel for the petitioner.

Dated: 27.9.81

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
27-A Thornhill Road, Allahabad-211 001

\*\*\*\*

No. CAT/Alld/Jud/403557058 dated the 15/9

T.N. No. 349 of 1987

Hohd. Rais.

APPLICANT'S

VERSUS

Union of India & others

RESPONDENT'S

A/27

To

- 1- Shri. A. Kaur, Advocate, Lucknow High Court Lucknow.
- 2- Shri L.R. Acharya, Advocate, Lucknow High Court Lucknow.

Whereas the marginally noted cases has been transferred by H.G.HKO Under Section the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

Writ Petition No. 4922  
of 1987  
of the Court of H.G.HKO  
arising out of order  
dated \_\_\_\_\_  
passed by \_\_\_\_\_ in

The Tribunal has fixed date of 20.11.1987 1987 The hearing of the matter at C.A.T. Lucknow.  
If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

23 rd day of August 1987.

dinash/

  
DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

*de*

\*\*\*\*  
No. CAT/LKO/Jud/CB/ 3235 to 3238 Sandhi Bhawan, Opp. Residency  
Lucknow - 32/1/80  
Dated the : \_\_\_\_\_

T.A.No. of \_\_\_\_\_ 198 (T)

*019 7*

APPLICANT'S

Mehd Rais

Versus

RESPONDENT'S

Union of India

To

*care*  
Mehd Rais S/o Abdul Rahaman, of  
Gohar Hussain Alca Engineering

Whereas the marginally noted case has been transferred by

*Hak Kothari H.O.*

Under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. \_\_\_\_\_

of 198 4933/81

of the Court of \_\_\_\_\_

arising out H.O.

of Order dated \_\_\_\_\_

passed by \_\_\_\_\_

The Tribunal has fixed date of 21.2.90 198. The hearing of the matter.

If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

day of \_\_\_\_\_ 1989.

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dinesh/

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DEPUTY REGISTRAR

- ① Union of India through G.M. N. Rly. Benares House New Delhi
- ② D.R.M. N. Rly. Hazratganj H.O.
- ④ Carriage and Wagon Subdt. N. Rly. S. Ck. Jore Chaurahga H.O.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.849/87(T)  
(W.P. NO.4933/81)

Mohd. Rais ..... Applicant.

Versus

Union of India (N.Rly) ..... Respondents.

21.2.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K. Obayya, A.M.

Case called. No one is present for the applicant. Notices were issued to the applicant by name as well as to his counsel by registered post. They are presumed served as they have not been received back.

Shri Arjun Bhargava appearing on behalf of the opposite parties has filed an application stating that the applicant died on 2.3.1985. The relief claimed is against discharge from service on 20.9.1981. In the circumstances, the case is disposed of as abated.

Sd/-  
A.M.

Sd/-  
V.C.

// True Copy //

*Neer*  
26/2/90

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

rrm/

②  
*[Signature]*  
①  
*चुकीत*  
*27.2.90*

A  
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5/12

*the services were terminated*  
that ~~it was~~ by way of retrenchment and the same started

from bottom and no pick and choose policy was adopted.

*and that the petitioner in fact refused to accept notice and allowance at his  
last known address*

Taking into consideration the facts of the case the interest of justice will be better served if the operation of the impugned order is suspended. The order terminating the services of the petitioner which is contained and referred to in Annexure No.1, to the writ petition, is suspended till further orders of the

*Court*

*Ugarnava*

JPU/

7. 4. 1982

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIGARH

(Lucknow Bench, Lucknow)

Civil Misc. Application No. <sup>11307</sup> of 1985.

in re.

Writ petition No. 4933 of 1981.

Mohd. Rais. ... .. petitioner

Versus

Union of India and others ... .. opposite parties.

Application for substitution and amendment

1. That the petitioner has challenged his order of termination of his services dated 20.9.81 in the above noted writ petition and this Hon'ble Court was pleased to suspend the ~~operation~~ operation of the termination order on 7.4.82.

2. That the petitioner was allowed to join his duties on 10.5.83 and he was not paid his salary from 21.9.81 to 9.5.83.

3. That the petitioner died on 2.3.85, leaving behind his mother Smt. Shehjahar w/o Abdul Rahman as his legal heir.

4. That the name of the petitioner be allowed to be deleted and in its place the following words may be allowed to be substituted:-

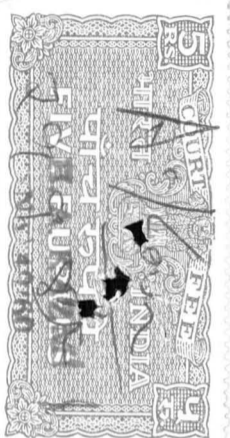
" Smt. Shahjahan aged about 65 years widow of Sri Abdul Rahman resident of 180/9 Takiya Azam Beg, near Barood Khana, Lucknow. "

5. That in the writ petition wherever the word "petitioner" occurs may be allowed to be substituted by the words " Mohd. Rais deceased ",

6. That after the prayer no. 2 the following prayer may be allowed to be added:-

" 2-A to issue a writ order or direction in the nature of mandamus commanding the opposite parties to pay the salary of Mohd. Rais deceased from 21.9.81 to 9.5.83 to the petitioner and to give other benefits which are available to the petitioner due to the death of her son during service. "

7. That the applicant was not very well acquainted with the proceedings of the writ petition and about the fact of its pendency hence she could not move the application in time and the delay in moving this application in the ~~same~~ circumstances is liable to be condoned.



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In The Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

T. A. No. 849 of 1987 *CM 101/805*  
(Arising out of W.P. No. 4939 of 1981)

Mphd Rais

Pwtitioner

Versus

Union of India

Respondent

In the above noted case it is submitted as under:-

1. That from the inquiries made from the records of the administration it is found that the petitioner of the above case died on 2.3.1985.
2. That in the circumstances stated above the petition itself has abated.

Wherefore it is prayed that the above case be dismissed.

Lucknow

dated: 21.2.1990

  
Counsel for the Respondents.